

Final Rejection Response  
U.S.S.N. 10/613,692  
Page No. 13

### REMARKS

The present application is a continuation application of parent application U.S.S.N. 09/935,921. Claims 1-12 were pending in the parent application and claims 1-3 and 8-12 were allowed. During prosecution of the parent application, claims 4-7 were cancelled, leaving allowed claims 1-3 and 8-12 pending. Accordingly, claims 4-7 above were originally pending in the parent application. Claims 4-7 and 13-48 are pending in the present continuation application.

The use of the trademarks GLIDE, SATIN FLOSS, EASY SLIDE, REACH, TEFLON, TWEEN, EMSORB, SPAN 60, FIBRACLEAN, TOTAL, SATIN TAPE, MIOCRODENT, and ULTRAMULSION have been noted in this application. The specification has been amended to place these marks in all CAPITAL letters and to add the related generic terminology.

Claims 13-47 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,609,527 in view of Hill et al (United States Patent No. 5,165,913. Hill et al discloses dental floss having a coating including a biologically active ingredient. To provide the floss of United States Patent No. 6,609,527 with a biologically active ingredient in view of Hill et al. would have been obvious to one skilled in the art in order that the device provide additional beneficial, medicinal and therapeutic effects.

A Terminal Disclaimer is attached linking the term of this patent to that of U.S. Patent No. 6,609,527. This rejection may thus be withdrawn.

Claims 16, 24 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for using trademarks without the generic terminology.

Final Rejection Response  
U.S.S.N. 10/613,692  
Page No. 14

In view of the amendments made to these claims, this rejection may be reconsidered and withdrawn. Such action is respectfully requested.

Claims 4-7 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill et al. (U.S. Patent No. 5,165,913 cited by applicant). In view of the amendments made to these claims, this rejection may be reconsidered and withdrawn. Such action is respectfully requested.

Hill et al. discloses a method of flossing teeth with a coated monofilament dental floss or tape. However, Hill et al. neither teach nor suggest that at least about 90 percent of the coating is released during flossing as now required in these amended claims. As stated in the action, it has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense. As required, the structural limitation now clearly requires this manipulation (via "coating release") – since the release of the coating is a clear requirement of the "treatment method" to accomplish the desired effect – namely cleaning and coating the tooth and gum surfaces with the released coating. Thus, this method is not merely the claiming of a use of a particular structure.

Reconsideration and withdrawal of the Section 102(b) rejection of Claims 4-7 and 48 are respectfully requested.

Entry of the present amendment for purposes of appeal is respectfully requested. Entry is necessary because Applicant believes that the amended claims are now in condition for allowance notwithstanding the cited art and the Examiner's arguments thereunder.

Final Rejection Response  
U.S.S.N. 10/613,692  
Page No. 15

The present amendments were not submitted at an earlier date as the Examiner's rejections were believed to have been fully met by the amendments and remarks made in the response to the last Office Action. Thus, this response represents the Applicant's only opportunity to make the present amendments and remarks a part of the record in this application.

Entry is finally believed proper at this time because the amendments do not raise any new issues that would require further consideration and/or search, since they merely conform in scope to the claims already adequately and properly searched by the Examiner and they do not introduce any new matter.

#### **NOTICE OF APPEAL**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the Examiner in this application.

#### **FEE AUTHORIZATION**

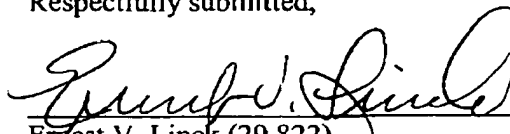
Please charge all fees (excess claim fees, time extension fee, Notice of Appeal Fee) associated with this filing to our Deposit Account – No. 19-0733.

#### **CERTIFICATE OF FACSIMILE TRANSMISSION**

The undersigned hereby certifies that this correspondence was submitted by facsimile in the USPTO on the date shown on Page 1.

Final Rejection Response  
U.S.S.N. 10/613,692  
Page No. 16

Respectfully submitted,



Ernest V. Linek (29,822)  
Attorney for Applicant  
BANNER & WITCOFF, LTD.  
28 State Street, 28<sup>th</sup> Floor  
Boston, MA 02109-1775  
Tel: (617) 720-9600  
Fax: (617) 720-9601  
E-mail: ELinek@bannerwitcoff.com

Date: December 15, 2004

Document No. 103563